

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DOUGLAS W. BAILLIE : Case No. C-1-02-062
: J. Spiegel
Plaintiff, :

v.

CHUBB & SON INSURANCE :

Defendant. :

State of Ohio)
)
) SS
County of Hamilton)

**AFFIDAVIT OF
DOUGLAS W. BAILLIE**

Douglas W. Baillie, being first duly cautioned and sworn, states as follows:

1. When I started as the Cincinnati Branch Manager for the Northern Zone in 1998, I was charged with the task of making a profit. In two years I made significant accomplishments toward those results. Tim Szerlong stated on my March 12, 2001 performance review that improving the financial results was the number one priority.

2. I was held to a different standard than younger Branch Managers by Defendant. Seven of the ten branches were unprofitable in 2000 and the Northern Zone lost a significant amount of money in 2000. Other Branch Managers in the Zone, including Tim Szerlong, had been in their jobs longer than I had and thus, either had direct involvement with those results, or had more time to turn their branches around.

3. In 2001, as a result of superior leadership and management by my staff and my own efforts, the profitability of the Cincinnati Branch turned around significantly. In fact, at the

time of my termination, the Cincinnati Branch and its region had become the most profitable in the Northern Zone.

4. Despite the success of the Cincinnati Branch in meeting both its growth and new business goals, the Northern Zone as a whole remained behind, and other regional offices remained unprofitable.

5. 75% of a Branch Manager's performance is based on financial results.

6. At the time of my termination, I was the oldest Branch Manager in the Northern Zone.

7. Before my termination, Michael Whitman and Mike Zdinak were removed from their managerial roles and placed in technical jobs more suited to their talents.

8. Before my termination, Rick O'Brien was put on probation and left the company.

9. Before my termination, Andrew Emery was meeting all his production and profit goals, scored well on an audit and was doing very well in his first management job. This was confirmed by Tim Szerlong's zonal reports.

10. Before my termination, Tom Gates was reporting to Tim Szerlong. Szerlong moved Gates to his Chicago Branch and replaced him with a younger manager. During my tenure with the company as Branch Manager, Tim Szerlong had always been complimentary of my direction of Tom Gates.

Further Affiant Sayeth Naught.

Douglas Baillie
Douglas W. Baillie

Sworn to before me and subscribed herein this 22 day of October, 2003.

Adele K. Maff
Notary Public